

September 23, 2004

Hendrik M.K. Van Leesten
Asset Management and Development Officer
General Services Administration
111 N.W. First Street
Suite 2460
Miami, Fl 33128

RE: REQUEST FOR ADVISORY OPINION 04-173

Dear Mr. Van Leesten:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on September 22, 2004 and rendered its opinion based on the facts stated in your letter.

You requested an opinion regarding any conflicts created by your outside real estate consulting business.

In your letter, you informed the Commission that you are an Asset Management and Development Officer. As such, your responsibilities include developing financial analyses for proposed county real estate investment and development projects; representing the county in complex real estate and capital facilities development transactions and representing the department before the Planning Advisory Board.

You are also the founder of Equity Investment Analysts, Inc. (EIA). EIA specializes in financial analysis of real estate acquisition and development projects for commercial developers and non-profit entities.

The Ethics Commission found that the Conflict of Interest and Code of Ethics ordinance permits you to operate Equity Investment Analysis and serve as an Asset Management and Development Officer. Section 2-11.1(j) provides that no employee "shall accept other employment which would impair his or her independence of judgment in the performance of his or her public duties." Accordingly, you may perform the outside employment as long as your clients do not seek analysis or assistance with any properties or developments owned, leased, financed or sought by Miami-Dade County or any agency or instrumentality of Miami-Dade County.

Further, you should submit a list of the clients and their projects to your Division Director on a quarterly basis in order to evaluate your client list for any potential conflicts.

Moreover, you may not disclose any confidential information acquired as a result of your county employment and you may not represent your clients before any county board or agency. Finally, you must file your annual outside employment disclosure form.

This opinion construes the Miami-Dade Conflict of Interest and Code of Ethics ordinance only and is not applicable to any conflict under state law. Please contact the State of Florida Commission on Ethics if you have any questions regarding possible conflicts under state law.

If you have any questions regarding this opinion, please call the undersigned at (305) 579-2594 or Ardyth Walker, Staff General Counsel at (305) 350-0616.

Sincerely Yours,

ROBERT MEYERS
Executive Director

